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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,032 | 07/08/2003 | Chongyang Wang | 9896-000004 | 3948 |

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| EXAMINER |
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SINGH, DALZID E

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| ART UNIT | PAPER NUMBER |
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2613

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/24/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/615,032 | Applicant(s) WANG ET AL. | |
| | Examiner Dalzid Singh | Art Unit 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7 is/are rejected.
- 7) ☒ Claim(s) 3,5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswami et al (US Patent No. 6,947,623).

Regarding claim 1, Ramaswami et al method for data-flow protection of an optical interface in a protected device, (see Figs. 8 and 9) comprising the steps of:

(1) receiving an optical signal from a source-neighboring device by the protected device (Fig. 9, splitter (620) receives optical signal);

(2) duplicating the optical signal into at least two duplicated optical signals (the signal is split which is considered as duplicating):

a first duplicated optical signal (bottom arrow) and a second duplicated optical-signal (top arrow), and sending the first duplicated optical signal to a protected device for processing (redundant optical switch core is considered as the protected device), and sending directly the second duplicated optical signal to be selected (the optical switch receives the second optical signal to be selected);

(3) according to working status of the protected device, selecting one from the second duplicated optical-signal and output optical-signal of the protected device, and sending the selected one to a destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 2, wherein step (3) comprises, if working status signal output of the protected device is normal, then selecting optical signal output of the protected device and sending to the destination-neighboring device; if the protected device working status in step (3) is abnormal, then selecting the second duplicated optical-signal and sending to the destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 4, Ramaswami et al disclose a data-flow protection device of an optical interface in a protected device (shown in Fig. 8 and 9), comprising:

a first optical-signal duplicating unit (620) and an optical-signal selecting unit (2:1 optical switch);

wherein an input of the first optical-signal duplicating unit is connected to a source-neighboring device for receiving an optical-signal (there must be source neighboring device which transmit the signal), one output of the first optical-signal duplicating unit is directly connected to one input of the optical-signal selecting unit, another output of the first optical-signal duplicating unit connects to input of a protected device (redundant optical switch core is considered as the protected device); wherein another input of the optical-signal selecting unit is connected to optical-signal

output of the protected device, the control end of the optical-signal selecting unit is connected with working status signal output of the protected device, the output of the optical-signal selecting unit connects to a destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 7, in Fig. 9, Ramaswami et al show that the optical-signal duplication unit is an optical splitter (620), and the optical-signal selecting unit is an optical switch (2:1 optical switch).

Allowable Subject Matter

3. Claims 3, 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 23 October 2006 have been fully considered but they are not persuasive.

On the remark pages 6-7, applicant indicates that the protected device functions not as a backup device but as a transmission device. The protected device (redundant optical switch) of Ramaswami receives and transmit optical signal, therefore it functions as a transmission device. Further applicant indicates that signals from the source-neighboring devices must be processed, in operation such as protocol conversion,

routing and etc., by the protected device. Such limitation is not found in the claim. In response to applicant's argument that the references fail to show certain features (i.e., as protocol conversion, routing and etc.) of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 7 of the remark, applicant indicates that switch status signal and switch control signals are generated in the I/O port rather than in the redundant optical switch core. Applicant further indicates that switch status signals and switch control signals are generated at the destination receiving side. However such limitation are not found in the claim. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS
January 19, 2007

DALZID SINGH
PRIMARY EXAMINER

Dalzip Singh